

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of FERNANDO DARRYL FORD
and VICTORIA FRANCIS FORD, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

GLORIA L. FORD,

Respondent-Appellant,

and

FERNANDO D. FORD,

Respondent.

UNPUBLISHED

April 3, 2008

No. 279488

Wayne Circuit Court

Family Division

LC No. 03-424322

Before: Kelly, P.J., and Owens and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the order of the trial court terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), and (g). We affirm.

Respondent-appellant challenges the trial court's findings that termination was warranted under these statutory subsections, contending that clear and convincing evidence does not exist on the record to support the findings. We disagree. The record indicates that, after the children were removed from her care in October 2003, respondent-appellant failed to comply with any aspect of the treatment plan for over three years and that her whereabouts were unknown during much of that period. The children were removed from respondent-appellant's care in light of her substance abuse and failure to provide the children with a proper home. At the time of termination, respondent-appellant was just beginning to address her substance abuse after three years of daily cocaine and alcohol use. Respondent-appellant still did not have housing or a definite source of income. Although respondent-appellant had made some progress toward sobriety, there was no demonstration that she was any more able to care for the children at the time of termination than at the time of adjudication. We therefore find no clear error in the trial court's findings that statutory grounds for termination were demonstrated by clear and

convincing evidence. See *In re Fried*, 266 Mich App 535, 540-541; 702 NW2d 192 (2005); MCR 3.977(J).

Based on the same clear and convincing evidence we hold that the record also supports the trial court's finding that termination was not contrary to the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Donald S. Owens

/s/ Bill Schuette